

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

U1IT4LESS, INC., D/B/A NYBIKERGEAR

Plaintiff,

v.

FEDEX CORPORATION, FEDEX
CORPORATE SERVICES, INC., AND
FEDEX GROUND PACKAGE SYSTEM,
INC.

Defendants.

No. 11-cv-1713 (KBF)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff, U1IT4LESS, INC., D/B/A NYBIKERGEAR, hereby appeals to the United States Court of Appeals for the Second Circuit from the Opinion and Order entered in this action by the Honorable Katherine B. Forrest of the United States District Court for the Southern District of New York on January 27th, 2016, granting Final Summary Judgment dismissing Plaintiff's action (Docket #205), as well as earlier orders by the Honorable Katherine B. Forrest, U.S.D.J., in this action, including, but not limited to: (1) the June 25th, 2015, partial Summary Judgment Opinion and Order enforcing Defendants' class action waiver (Docket #169); (2) the August 4th, 2015, Order denying Plaintiff's motion to enforce the Court's prior Order directing Defendants to produce certain requested data (Docket #175); and (3) the September 25th, 2012, Opinion and Order dismissing Plaintiff's Count IV (Docket #55).

A true and correct copy of the Order granting Final Summary Judgment dismissing Plaintiff's action is annexed hereto as Exhibit A.

Dated: February 24, 2016

Respectfully submitted,

By: /s/ Peter J. Cambs, Sr.
Peter J. Cambs, Sr. (PC-6655)
Elliott Tubbs III
PARKER WAICHMAN LLP
27300 Riverview Center Blvd, Ste. 103
Bonita Springs, FL 34134
pcambs@yourlawyer.com
etubbs@yourlawyer.com
(239) 390-1000 (p)

Michael J. Paleudis (MP-0980)
RUDNER & PALEUDIS, LLC
445 Hamilton, Suite 1102
White Plains, NY 10601
mjp@rudnerpaleudis.com
(914) 682-2178 (p)
(212) 899-5202 (f)

H. Kenneth Kudon
KUDON LAW
10450 Terra Lago Drive
West Palm Beach, FL 33412
kkudon@kudonlaw.com
(301) 233-4458 (p)

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Peter Cambs, declare under penalty of perjury that on February 24, 2016, I electronically filed this Document with the Clerk of Court by using the CM/ECF system which will send notice of electronic filing to:

Michael John Paleudis Brian Michael Rudner RUDNER & PALEUDIS, LLC 445 Hamilton Avenue Suite 1102 White Plains, New York 10601 (914) 220-8270 (914) 220-8271 fax Email: mjp@rudnerpaleudis.com Email: bmr@rudnerpaleudis.com	Aaron T Cassat FEDEX LEGAL DEPARTMENT 3620 Hacks Cross Blvd., Building B, 3rd Floor Memphis, TN 38125 Telephone: (901) 434-8477 Facsimile: (901) 434-0279 Email: aaron.cassat@fedex.com
H. Kenneth Kudon KUDON LAW 10450 Terra Lago Drive West Palm Beach, FL 33412 (301) 233-4458 Email: kkudon@kudonlaw.com	Peter J. Cambs Elliott Tubbs III PARKER WAICHMAN LLP 27300 Riverview Center Blvd. Suite 103 Bonita Springs, FL 34134 (239) 390-1000 main Email: PCambs@yourlawyer.com Email: ETubbs@yourlawyer.com

SIGNED: /s/ Peter J. Cambs, Sr.
Peter J. Cambs, Sr. (PC-6655)
PARKER WAICHMAN LLP
27300 Riverview Center Blvd, Ste 103
Bonita Springs, Florida
Telephone: (239) 390-1000
Fax: (239) 390-0055
pcambs@yourlawyer.com